

United States District Court

WESTERN DISTRICT OF WASHINGTON

LENIER AYERS

JUDGMENT IN A CIVIL CASE

v.

ROBIN ARNOLD WILLIAMS, et al

CASE NUMBER: C07-5540RBL

____ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

The Court adopts the Report and Recommendation;

The motion for summary judgment is **DENIED**. The court does not have in personam jurisdiction over any defendant in this action as the action has not been properly served.

The motion to set aside a state court judgment committing Mr. Ayers is also **DENIED WITHOUT PREJUDICE**. Mr. Ayers must bring a habeas corpus action and must first exhaust his available state court remedies. This form of relief is not available in a civil rights action.

The action is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim, suit against persons immune from damages, and failure to comply with repeated court orders to properly amend the complaint.

____ April 22, 2008
Date

____ BRUCE RIFKIN
Clerk

____ s/CM Gonzalez
Deputy Clerk